

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:03-cv-00526

ATULKUMAR PATEL,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE -FOOD AND
NUTRITION SERVICE,
Defendant.

ORDER

THIS MATTER is before the Court on its own Motion to Dismiss Plaintiff's Complaint for Failure to Prosecute. The Court finds that Plaintiff filed his Complaint on November 3, 2003; that a Summons was issued the same day; that no return of service or waiver of service has been filed; and that on August 19, 2004, the Clerk mailed the Plaintiff a notice stating that this action would be dismissed unless he filed a return of service or took some other action to extend the time for service within 20 days. Although the Plaintiff responded to the notice, the extent of his response was to say that he did not have sufficient funds to hire an attorney. Since his response, Plaintiff has not filed a return of service or otherwise taken any other action in prosecution of this action.

THEREFORE, IT IS HEREBY ORDERED that pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, this matter is **DISMISSED WITHOUT PREJUDICE**.

Signed: February 21, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

